



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

August 1, 1974

The Honorable John R. MacLean
Johnson County Attorney
P.O. Box 350
Cleburne, Texas 76031

Opinion No. H- 363

Re: May juvenile detention
facility be located in same
building as county jail.

Dear Mr. MacLean:

Title 3 of the Family Code, (Acts 1973, 63rd Leg., p.1460, ch. 544), dealing with delinquent children and those in need of supervision, provides in Subsection 51.12(a) of its General Provisions:

Except after transfer to criminal court for prosecution under Section 54.02 of this code (authorizing the Juvenile Court to waive its exclusive original jurisdiction under certain circumstances), a child shall not be detained in or committed to a compartment of a jail or lockup in which adults arrested for, charged with, or convicted of crime are detained or committed, nor be permitted contact with such persons.

You ask whether a county may locate its juvenile detention facility in the same building as its county jail. Subsection 51.12(a) is mandatory and specific in prohibiting any contact between adult prisoners and juvenile offenders. It does not require that the juvenile detention facility be located in a particular building or in a building separate from the county jail.

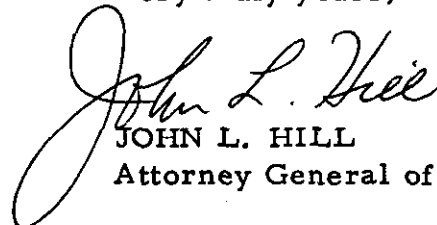
Our answer to your question, therefore, is that, as long as juvenile and adult offenders are not detained in the same compartment of a jail or

lockup, and juveniles are not permitted any contact with adult offenders, the juvenile detention facility may be located in the same building as the county jail. Of course, other requirements of Article 5115, Vernon's Texas Civil Statutes, defining "safe and suitable jails" must also be met.

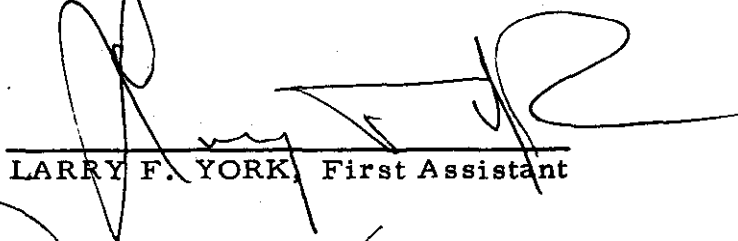
SUMMARY

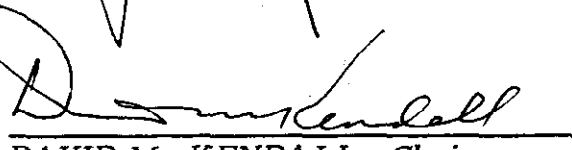
As long as juvenile offenders and adult offenders are not detained in the same compartment and juvenile offenders are not permitted any contact with adult offenders, a county may locate its juvenile detention facility in the same building as its county jail.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee

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